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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,763	12/21/2004	Harad Syse	P18237 USPC	4969

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EXAMINER
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BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/518,763

Applicant(s)

SYSE, HARAD

Examiner

Patrick F. Brinson

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claims 5 and 6 are objected to because of the following informalities: Claim 5, line 5 recites “the side” without proper antecedent basis. Likewise claim 6, line 5 recites “the side” without proper antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recite “possibly divided sliding surfaces” and “possibly divided fronts”. It is not clear what “possibly divided” refers to. The specification, page 6, line 16, discloses that the slip includes a sliding surface (21, 21’) that is divided by a slip recess (22). If this is what “possibly divided refers to then it should be positively recited in the claims. There is no support in the specification for “divided front (20, 23)”. The specification refers to slip front (20) and step front (23), but neither is disclosed as being “possibly divided”. Claims 5 and 6 further positively recites that the sliding surfaces of the slips and force ring front, respectively, are divided by a force ring recess. It should be noted that a sliding surface or front that is “possibly

divided” can mean that it may not be divided, and therefore a reference that has a sliding surface and a front that is not divided can be used to reject the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2,607,370 to **Anderson** in view of 4,465,104 to **Wittman et al.**

The patent to **Anderson** discloses an arrangement at a plug for sealing pipes comprising several slips (7) arranged peripherally on the plug so as to allow them to be pushed along a conical force ring (8). The slips are provided with a sliding surface and a front that has an angle relative to the longitudinal axis of the plug that differs from the angle of the sliding surface relative to the same axis. The slips are arranged to engage an inner surface of the pipe in a gripping position while in abutment with the angled surface of the force ring that is not parallel with the longitudinal axis of the plug. The front has an angle that differs from the angle of the sliding surface, as recited in claim 2, wherein the front angle is at a steep gradient relative to the

longitudinal axis of the plug and the sliding surfaces have a small gradient relative to the same axis, as recited in claim 3. The sliding surfaces and fronts of the slips and force ring correspond to each other, as recited in claim 4. **Anderson** does not disclose the slips being pushed by a hydraulic cylinder. The patent to **Wittman et al** discloses a similar plug device also including slips (360) that are pushed along conical force ring (330) by hydraulic cylinder (352). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the lever mechanism of **Anderson**, a hydraulic cylinder as suggested by **Wittman et al**. wherein they are both known means for pushing slips along a force ring in order to anchor the plug within the pipe. As to the “possibly divided” surfaces and fronts, it should be noted that as discussed in the preceding paragraph, it is not clear what “possibly divided” means, and a surface or front that is possibly divided, could also not be divided.

#### ***Response to Amendment***

4. Applicant points out that the **Russel** does not provide slips that are in the gripping position while in abutment with the surface of the conical ring that is not in parallel with the longitudinal bore. Therefore the **Russel** reference is no longer being used in the rejection. Applicant argues that claim 1 now specifies that the slips are provided with 2 different sliding surfaces of differing gradients. This is not correct,

wherein the claim recites a sliding surface and a front. The front is never disclosed as being a sliding surface. Applicant also states that the two different gradients allows for the two stage “jumping” action of the slips and that **Russel** does not disclose features to permit this two-staged “jumping” action. It should be pointed out that the claims do not recite anything regarding a two-stage jumping action. There is no recitation of the slips and force ring being connected and therefore there can be no relatively quick displacement in the radial direction of the members.

5. Claims 5 and 6 would be allowable if rewritten to overcome the above objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/518,763  
Art Unit: 3754

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Patrick F. Brinson  
Primary Examiner  
Art Unit 3754

P. F. Brinson  
December 27, 2005